

ARREST AUTHORITY OF PEACE OFFICERS

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Glenn A. Donnelson

This act modifies the Code of Criminal Procedure and provisions regarding municipal government by providing that law enforcement officers may not arrest a person for a class C misdemeanor or an infraction without a warrant.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

10-3-915, as enacted by Chapter 48, Laws of Utah 1977

77-7-2, as last amended by Chapter 174, Laws of Utah 1999

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **10-3-915** is amended to read:

10-3-915. Rights to arrest without warrant.

The members of the police force [~~shall~~] have the power and authority, without process, to arrest and take into custody any person who shall commit or threaten or attempt to commit in the presence of the officer, or within his view, [~~any breach of the peace, or~~] any offense directly prohibited by the laws of this state or by ordinance, other than class C misdemeanors and infractions.

Section 2. Section **77-7-2** is amended to read:

77-7-2. Arrest by peace officers.

A peace officer may make an arrest under authority of a warrant or may, without warrant, arrest a person:

(1) (a) for any public offense committed or attempted in the presence of any peace officer, except for class C misdemeanors and infractions; and

(b) "presence" as used in this Subsection (1) includes all of the physical senses or any device that enhances the acuity, sensitivity, or range of any physical sense, or records the



- 28 observations of any of the physical senses;
- 29 (2) when he has reasonable cause to believe a felony or a class A misdemeanor has been
- 30 committed and has reasonable cause to believe that the person arrested has committed it; or
- 31 (3) when he has reasonable cause to believe the person has committed a public offense,
- 32 and there is reasonable cause for believing the person may:
- 33 (a) flee or conceal himself to avoid arrest;
- 34 (b) destroy or conceal evidence of the commission of the offense; or
- 35 (c) injure another person or damage property belonging to another person.

Legislative Review Note**as of 1-2-02 7:52 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel